

21 C.J.S. Courts § 343

Corpus Juris Secundum | May 2023 Update

Courts

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X. Clerks of Courts

D. Liabilities and Criminal Responsibility

§ 343. Criminal responsibility

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#)  70, 72 to 76

Pursuant to statute, clerks of court may be held criminally liable for certain acts, such as taking and collecting illegal fees.

Pursuant to statute, clerks of court may be criminally liable for certain acts and omissions,¹ such as taking and collecting illegal fees² or failing to pay over fees and other public moneys as required by law.³ A court clerk who uses employees under his or her supervision to further the clerk's political campaigns while they are being paid by the State commits the felony of "ghost employment."⁴

Action on bond.

A bonding agency is not liable on its bond when the clerk commits a criminal act.⁵

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Footnotes

1 Mo.—*State v. Dishman*, 334 Mo. 874, 68 S.W.2d 797 (1934).

Tex.—*Graham v. State*, 123 Tex. Crim. 121, 57 S.W.2d 850 (1932).

2 Ind.—*State v. Williams*, 39 Ind. App. 376, 77 N.E. 1137 (1906).

Tenn.—[Plyley v. Allison](#), 113 Tenn. 500, 82 S.W. 475 (1904).

3 Mo.—[State v. Dishman](#), 334 Mo. 874, 68 S.W.2d 797 (1934).

4 Ind.—[Brown v. State](#), 684 N.E.2d 529 (Ind. Ct. App. 1997).

5 Ky.—[Kentucky Finance Co. v. Spradlin](#), 717 S.W.2d 843 (Ky. Ct. App. 1986).

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